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May 10, 2005

**VIA MESSENGER**

Assistant Commissioner for Trademarks  
United States Patent and Trademark Office  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: U.S. Trademark Application No. 76/549,665  
Applicant: North American Airlines, Inc.  
Mark: **NORTH AMERICAN AIRLINES**  
Our Ref.: 85440.0002

Dear Sirs:

We enclose the following for filing in the Patent and Trademark Office:

- ☒ Response
- ☒ Notice of Appeal
- ☒ Claim of Acquired Distinctiveness.

Also enclosed is a check in the amount of \$100.00 for the total filing fee. If any additional fees are required in connection with the filing of this application, please charge Deposit Account No. 50-20-36.

With best regards,  
BAKER & HOSTETLER LLP

Ellen K. Burke

EKB/jp  
Enclosures



05-10-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re:

Application Serial No. 76/549,665

Applicant: North American Airlines, Inc.

Application Filing Date: October 3, 2003

Mark: NORTH AMERICAN AIRLINES

**TTAB**

**NOTICE OF APPEAL**

Applicant, pursuant to C.F.R. §2.141, hereby appeals to the Trademark Trial and Appeal Board from the examining attorney's final refusal of registration dated November 12, 2004.

In addition, in accordance with TBMP §1205.01, applicant hereby notifies the Board that enclosed is an amendment to the application for consideration of the examining attorney.

A check in the amount of \$100 is enclosed for the applicable fee.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 50-20-36.

05/12/2005 SWILSDN1 00000042 76549665

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100.00 DP

Respectfully submitted,  
North American Airlines, Inc.

Date: May 10, 2004

By: Ellen K. Burke  
Ellen K. Burke  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
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Attorney for Applicant

EKB/TH

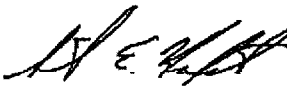
Application No. 76/549,665

**CLAIM OF ACQUIRED DISTINCTIVENESS**

In accordance with §2(f), 15 U.S.C. §1052(f), applicant hereby submits the following:

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that NORTH AMERICAN has become distinctive of the services through applicant's substantially exclusive and continuous use of the mark in commerce for at least five years immediately preceding the date of this statement; and that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Date: May 4, 2005

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Trademark Application of	:	Trademark Examining Operations
	:	
North American Airlines, Inc.	:	Examining Attorney
	:	Ysa de Jesus
Serial No.: 76/549,665	:	
	:	
Filed: October 3, 2003	:	Law Office: 114
	:	
Mark: <b>NORTH AMERICAN AIRLINES</b>	:	
	:	
Atty. Dkt. No.: 85440-0002	:	

**RESPONSE**

Response – No Fee  
Hon. Assistant Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

This is in response to the office action dated November 12, 2004 concerning the above-referenced trademark application.

The examining attorney has refused registration on the ground that the mark is primarily descriptive of the origin of the applicant's goods and/or services. In addition, the examining attorney correctly points out that based on applicant's exclusive and continuous use of the subject mark in connection with the subject services, that applicant may seek registration on the Principal Register under Trademark Act Section 2(f), 15 U.S.C. §1052(f), based on acquired distinctiveness. Therefore, without waiving any rights in the subject mark, applicant submits the attached statement in accordance with 37 C.F.R. §2.41(b) and signed declaration in accordance with 37 C.F.R. §2.20.

As applicant has responded to all outstanding requirements issued by the examining attorney, applicant requests that the application be approved for publication. If further clarification is needed or if a telephone conference would be useful in resolving any issues related to this application, please contact the undersigned.

In addition, please charge any fees due in connection with this matter to Charge Deposit Account No. 50-20-36.

**POWER OF ATTORNEY**

Applicant hereby appoints **John H. Weber** and the following attorneys of the law firm of **BAKER & HOSTETLER LLP**, as its attorneys with full powers of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration. All powers of attorney heretofore granted in connection therewith are hereby revoked:


Kenneth J. Sheehan	Gary Rinkerman	Dennis Cawley	Alan Larson
Leo J. Jennings	William C. Bergmann	Stephen S. Fabry	Jonathan Kidney
Burman Y. Mathis	Phong Nguyen	Ellen K. Burke	Ari Indik
Dana Christensen	M. Scott Alprin	Rabiya Kader	Todd A. Hardy
Erdal R. Dervis	Hermes M. Soye	P. Jay Hines	

Please direct all correspondence to John H. Weber, BAKER & HOSTETLER LLP, Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304.

Respectfully Submitted,

**NORTH AMERICAN AIRLINES, INC.**

Date: May 10, 2005

By:   
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